

REMARKS

1. Restriction

The Office Action requires restriction to one of the two identified groups of claims:

- I. Claims 1 – 9 and 20 – 25; or
- II. Claims 10 – 19 and 26 – 33.

Applicant affirms the election to prosecute the claims of Group I without traverse and has accordingly canceled Claims 10 – 19 and 26 – 33 without prejudice or disclaimer.

2. Claim Rejections

Claims 1 – 9 and 20 – 25 have been examined. Claims 1 – 4, 6 – 9, and 20 – 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. No. 2003/0061093 (“Todd”), in view of U.S. Pat. No. 6,070,153 (“Simpson”); and claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Todd in view of Simpson, further in view of Centura (<http://web.archive.org/web/19980211083417/www.centura.com/cashcards/travelsmart.html>).

Claims 1 and 20 have been amended to recite aspects of the invention more particularly. Support for the amendments is provided, for example, in [0027] of the Application. Claims 6 and 22 have been amended for consistency with the amendments.

All claims are now believed to be patentable in light of the amendments. Claims 1 and 20 have been amended to recite that “the instrument includes a single identifier such that a merchant is able to access funds from both the credit account and the stored-value account with the single identifier.” Applicant respectfully submits that this limitation is not taught or suggested by the references, alone or in combination.

It is true that Todd does disclose that an “Account Information” can be used to indentify “the account (or accounts) held by a customer” (Todd, ¶0059). However, Todd does not teach or suggest that the “Account Information” is a single identifier. Todd also fails to teach or suggest that a merchant is able to access funds from both the credit account and the stored-value account with the single identifier. Rather, Todd is directed to reward a user based on the user’s transactions (Todd, Abstract). Applicant respectfully submits that it would be contrary to the user’s expectation if a merchant is allowed to access funds from rewards earned by the user. Likewise, Simpson is directed to automatically invest a portion of a user’s transactions or interest charges in an investment account (Simpson, col. 1, ll. 54 – 58). But it would also be contrary to the user’s expectation if a merchant is allowed to access funds from the user’s investment account and Simpson would not teach or suggest that the merchant is able to access funds from the stored-value account.

For at least these reasons, independent Claims 1 and 20 are believed to be patentable over the references. Each of the dependent claims is additionally believed to be patentable by virtue of its dependence from a patentable claim.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 10/694,924
Amdt. dated February 28, 2008
Reply to Office Action of November 28, 2007

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

/Yu-An Kuo/

Yu-An Kuo
Reg. No. 57,669

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
AYK:jw
61257165 v1